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FILED

JAN 11 2010

— CLEHR —

**United States Bankruptcy Court
San Jose, California**

6 Counsel for Plaintiff Andrea A. Wirum,
Trustee in Bankruptcy

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re
CALIFORNIA PLAN, INC.,
Debtor.

Case No. 06-50442 MM
Chapter 7

ANDREA A. WIRUM, Trustee,
Plaintiff.
v.
THOMAS W. CHALLAM,
Defendant.

Adversary Proceeding
No. 07-5060

**DECLARATION OF NHUNG LE
REGARDING REQUEST FOR WRIT OF
EXECUTION AND PAYMENT ON THE
JUDGMENT**

I, Nhung Le, declare as follows:

1. I am an attorney with the law firm of Luce, Forward, Hamilton & Scripps LLP, counsel to Andrea A. Wirum, Plaintiff in the above adversary proceeding and Chapter 7 Trustee of the estate of the above Debtor.

2. On October 12, 2007, the United States Bankruptcy Court for the Northern District of California, San Jose Division, entered a stipulated judgment against Thomas W. Challam in the above referenced adversary proceeding in the principal amount of \$75,000. Attached as **Exhibit A** is a true and correct copy of the Judgment.

3. As of the date of this declaration, Plaintiff has not received any payments from Defendant on account of the judgment.

I declare under penalty of perjury that the above statements are true and that if called as a witness I could and would testify to their truthfulness. This declaration is executed on the 8th day of January 2010 in San Francisco, California.


NHUNG LE

NHUNG LE

301161135.1

**Entered on Docket
October 12, 2007**
**GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**



**The following constitutes
the order of the court. Signed October 12, 2007**

Marilyn Morgan
Marilyn Morgan
U.S. Bankruptcy Judge

1 Michael A. Isaacs, CSBN 99782
2 Charles P. Maher, CSBN 124748
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5 Counsel for Andrea A. Wirum
6 Trustee in Bankruptcy

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 In re
12 CALIFORNIA PLAN, INC.,
13 Debtor.
14
15 ANDREA A. WIRUM, Trustee,
16 Plaintiff.
17 vs.
18 THOMAS W. CHALLMAN,
19 Defendant.

Case No. 06-50442-MM
Chapter 7

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No. 07-5060

JUDGMENT ON STIPULATION

22 Based on the stipulation of Plaintiff and Defendant to entry of judgment on Plaintiff's third
23 and fourth claims for relief, it appearing that Plaintiff has obtained an order authorizing her to
24 enter into the stipulation, and it further appearing that good cause exists,

25 JUDGMENT IS ENTERED as follows:

26 1. Transfers totaling \$75,000 made to or for the benefit of Thomas W. Challman
27 within 90 days of the commencement of the above bankruptcy case by the filing of an involuntary
28 petition are avoided under 11 U.S.C. § 547(b) and preserved for the benefit of the estate under 11

EXHIBIT A

¹ U.S.C. § 551, pursuant to Plaintiff's third claim for relief.

2 2. Plaintiff shall have a money judgment in the amount of \$75,000 on her third claim
3 for relief under 11 U.S.C. § 550.

4 3. Pursuant to Plaintiff's fourth claim for relief, any claim in favor of Thomas W.
5 Challman is disallowed under 11 U.S.C. § 502(d) and not entitled to a distribution until he has
6 satisfied in full Plaintiff's money judgment against him under her third claim for relief.

7 4. Plaintiff shall take nothing by her first and second claims for relief and those are
8 dismissed.

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10 || ** END OF JUDGMENT **

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EXHIBIT A

1 COURT SERVICE LIST
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EXHIBIT A

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